

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of
STEPHEN F. GASS, ANDREW L. JOHNSTON,
JOEL F. JENSEN, SUNG H. KIM,
DAVID A. FANNING, and ROBERT L.
CHAMBERLAIN

Date: July 7, 2005

Serial No.: 09/929,240

Examiner Boyer D. Ashley

Filed: August 13, 2001

Group Art Unit 3724

For: FIRING SUBSYSTEM FOR USE IN A FAST-ACTING SAFETY SYSTEM

To: Commissioner for Patents
Attention: Examiner Boyer D. Ashley
Group Art Unit 3724
P.O. Box 1450
Alexandria, Virginia 22313-1450

SECOND DECLARATION OF STEPHEN F. GASS

I, Stephen F. Gass, declare as follows:

1. I am a named inventor in the above-identified application.
2. I am a member of applicant SD3, LLC.
3. In an Office Action mailed March 7, 2005, the Examiner rejected claims in the above-identified application under 35 U.S.C. 103(a) in light of various references. I am filing this declaration to traverse those rejections and to submit objective evidence of non-obviousness. I have previously submitted another declaration to submit evidence concerning non-obviousness.
4. My educational background is in physics. In 1986 I earned a Bachelor of Science degree in physics from Oregon State University, and graduated summa cum laude. In 1990 I was awarded a Ph.D. degree in physics from the University of California San Diego.

5. Attached is a true and correct copy of a notice filed with the Department of Justice, Antitrust Division, pursuant to the National Cooperative Research and Production Act of 1993, by The Black & Decker Corp., Hitachi Koki, U.S.A., Ltd., Pentair Tools Group, Robert Bosch Tool Corporation, and Ryobi Technologies, Inc. The notice was published December 1, 2003, and it says those companies have entered into a joint venture to research and develop "technology for power saw blade contact injury avoidance, including skin sensing systems, blade braking systems, and/or blade guarding systems." This notice shows that others have been working to develop safer saws.

6. Attached is a true and correct copy of a report from the U.S. Consumer Product Safety Commission dated June 2003 showing that the total cost to society from injuries involving bench and table saws is about \$2 billion annually. This report shows there has been a long-felt but unsatisfied need for safer saws.

7. The technology which is the basis for saws constructed as required by applicant's currently pending claims has been recognized with the following additional award: 2005 Reader's Choice Award from Woodshop News magazine, which is an award given to a new tool or machine that has significantly increased productivity or quality of work. This award supports the conclusion that applicant's claimed invention is non-obvious and it shows public interest in and demand for saws constructed as required by applicant's claims.

8. The technology that is the basis for the currently pending claims continues to be the subject of extensive media coverage, including the following:

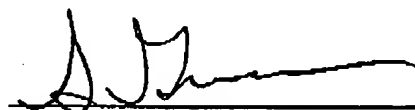
- Tools and Techniques – television show, DIY network, scheduled to air in August 2005
- *Inc. Magazine* – July 2005
- *Consumer Electronics CE Lifestyles* magazine – July 2005
- *Fortune Small Business* magazine – June 2005
- *Electronic Design* magazine – June 2005
- *CAM Magazine* (published by the Construction Association of Michigan) – June 2005
- *Woodshop News* magazine – June 2005
- American Home 2005 - television show, HGTV, January 2005
- *Fine Woodworking* magazine – Winter 2004/2005
- *Fine Woodworking* magazine – August 2004

This media coverage supports the conclusion that the currently pending claims are non-obvious.

9. Saws constructed as claimed in the present application have saved the hands of at least 10 people from serious injury when their hands accidentally contacted the spinning blade of the saw. These people include one high school sophomore, one university student and one blind woodworker. Ron Huisinga, one of the people whose hand was saved, posted pictures of his accident on the Internet. Those pictures may be viewed by going to www.huisinga.org and clicking on the words "Click Here." After entering the site, click on the words "Photo Gallery" and then click on the words "The Accident" about half way down on the right side. The fact that the technology claimed in the present application has saved 10 people from what otherwise could have been life-changing injuries is further evidence that the claims are not obvious.

10. I hereby declare that all statements made herein of my own knowledge are true and all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application, any patent issuing thereon, or any patent to which this verified statement is directed.

Date: July 7, 2005



Stephen F. Gass

CERTIFICATE OF TRANSMISSION/MAILING

I hereby certify that this correspondence is being deposited with the U.S. Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, or facsimile transmitted to the U.S. Patent and Trademark Office to number (703) 872-9306, attention Examiner Boyer D. Ashley, on the date shown below.

Date: July 7, 2005



Stephen F. Gass